

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

JOSEPH MONTELEONE,

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Petitioner,

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v.

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SECRETARY OF HEALTH
AND HUMAN SERVICES,

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Respondent.

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No. 12-461V

Special Master Christian J. Moran

Filed: April 21, 2014

Attorneys' fees, amount awarded
to which Respondent does not object.

UNPUBLISHED DECISION ON FEES AND COSTS¹

Franklin John Caldwell, Jr., Maglio Christopher & Toale, PA, Sarasota, FL, for Petitioner;
Alexis B Babcock, U.S. Department of Justice, Washington, D.C., for Respondent.

Petitioner Joseph Monteleone filed an application for attorneys' fees and costs on April 17, 2014. The Court awards the amount to which respondent does not object.

Petitioner claimed that the trivalent influenza vaccination caused Guillain-Barre syndrome. See Petition, filed July, 23 2012. Respondent denied that petitioner's GBS was caused-in-fact by the influenza vaccination, and denies that the vaccine caused any other injury or his current condition. However, the parties agreed to an award of damages. Decision, dated April 8, 2014.

Petitioner seeks a total of **\$20,656.41** in attorneys' fees and costs for petitioner's counsel. Additionally, in lieu of filing a statement of costs in compliance with General Order No. 9, petitioner's counsel reported in the stipulation of facts that petitioner incurred no reimbursable costs in pursuit of his claim. Respondent does not object to this application for attorneys' fees and costs.

¹ The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

After reviewing the request, the court awards **\$20,656.41** in attorneys' fees and other litigation costs. A check in this amount shall be made payable to petitioner and his attorney. The court thanks the parties for their cooperative efforts in resolving this matter.

The Clerk shall enter judgment accordingly.²

IT IS SO ORDERED.

S/ Christian J. Moran

Christian J. Moran
Special Master

² Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.